

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on April 14, 2004 (Date of Deposit)

04-14-2004 Shelly Hart
Date Name

#25
PATENT

Attorney Docket No.: 004609

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 22 2004

OFFICE OF PETITIONS

In re Application of:
Hiroji Hanwa, et al.

Application No.: 09/638,075

Filed: August 11, 2000

For: EXTERNALLY EXCITED TORROIDAL
PLASMA SOURCE

)
)
) Examiner: R. McDonald

)
)
) Group Art Unit: 1763

)
)
)

**PETITION UNDER 37 C.F.R. 1.183
(MPEP 711.03(c)I)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APR 23 2004
TC 1700

The attached Petition to Withdraw Holding of Abandonment is being filed twelve days after the expiration of the two-month grace period in which to respond to the Notice of Abandonment dated February 2, 2004. The 12-day delay, from February 2, 2004 until today, was unintentional.

The reason this delay occurred is that the experienced paralegal assigned by Applied Materials, Inc. to the handling of the correspondence in this application became unavailable on or about Friday, January 30, 2004, one business day before the mailing date of the Notice of Abandonment. Her cases were eventually taken over by a new employee, Emma Koh, who had no prior experience in patent prosecution and did not understand the significance of the Notice of Abandonment dated February 2, 2004 nor the need to respond to it immediately, or expedite its forwarding to the undersigned. Ms. Koh probably received the Notice of Abandonment around February 14, 2004, as it was apparently received by Applied Materials on February 11, 2004. Our telephonic inquiries and discussions with Ms. Koh made today caused Ms. Koh to realize for the first time the nature and significance of the Notice of Abandonment and faxed it immediately to our office. Also, the

undersigned was unaware of the receipt of the Notice of Abandonment at Applied Materials until today. Therefore, there was no intentional delay in responding to the Notice of Abandonment.

MPEP 711.03(c)I, 3rd paragraph, provides, in part, "Rather than dismiss an untimely petition to withdraw the holding of abandonment. . . . The Office may treat an untimely petition to withdraw the holding of abandonment on its merits in a utility or plant application filed on or after June 8, 1995, on the condition that the petition is accompanied by a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon that would extend beyond the date 20 years from the filing date of the application." Such a terminal disclaimer is attached to the accompanying petition. Therefore, applicants hereby petition the Commissioner to treat the attached Petition to Withdraw Holding of Abandonment on its merits.

The required fee under 37 C.F.R. 1.17(h) is submitted herewith.

April 14, 2004
Date

Robert M. Wallace
Signature

Robert M. Wallace
Registration No. 29,119
Attorney for Applicants

Robert M. Wallace
Patent Counsel
2112 Eastman Avenue, Suite 102
Ventura, CA 93003
(805) 644-4035

NOTICE OF FEE DUE

DATE: 04-20-04

TO: DAE

FROM: Office of Initial Patent Examination

SUBJECT: Fee Due

APPLICATION NUMBER: 09 638 075

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APR 22 2004

OFFICE OF PETITIONS

A fee is due for the attached document submitted to the U. S. Patent and Trademark Office for the following reason. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee. If an authorization is not present, notify the applicant of the fee deficiency.

☐ Insufficient fee by check

☒ Insufficient funds in deposit account

☐ Declined credit card

☐ Non authorization for charge to deposit account

☐ No fee submitted per requirement

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The correct fee code: 1460 amount \$ 130

The suspended fee code: 1999 amount - \$

Fee Due amount =\$ 130

If you have any questions, please contact Cynthia Streater at 703-306-5430 or Eleanor Kurtz at 703-308-3642.

Terminal Operator Abelba

O I P E J O
APR 19 2004
PATENT & TRADEMARK OFFICE

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0657-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 240.00

Complete if Known

Application Number 09/638,075
Filing Date August 11, 2000
First Named Inventor Hiroji Hanawa et al
Examiner Name Rodney McDonald
Art Unit 1763
Attorney Docket No. 004609

APR 22 2004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-0338

Michaelson & Wallace

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer					110
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 240.00

SUBMITTED BY

Name (Print/Type) Robert M. Wallace Registration No. 29,119 Telephone 805-644-4035
Signature [Signature] Date 04-14-2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING
I hereby certify that this paper and every
paper referred to therein as being enclosed
is deposited with the U.S. Postal Service
as first class mail, postage prepaid, in
an envelope addressed to Commissioner
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on April 14, 2004 (Date of Deposit)
04-14-2004 Sherry Hart
Date Name

Attorney Docket No. 004609

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON FAILURE TO
RECEIVE OFFICE ACTION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APR 22 2004

OFFICE OF PETITIONS

Art Unit: 1763

Examiner: Rodney McDonald

In re Application of:
Hiroji Hanawa, et al.
Serial No.: 09/638,075
Filed: August 11, 2000
For: EXTERNALLY EXCITED TORROIDAL PLASMA
SOURCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner to withdraw the above-identified application from abandonment.

The Notice of Abandonment was mailed out by the USPTO on February 2, 2004 indicating that the subject application was abandoned based upon Applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance, and that the issue fee and publication fee have not been received.

Applicants have searched the subject file for the Notice of Allowance papers. Applicants conducted a search of their docket records which evidenced that the papers were not received. A copy of the docket record search results indicating where the papers would have shown up is enclosed herewith. The first two "screens" have the action items received. The last "screen" is the case data.

Accordingly, it is respectfully requested that this petition be granted and a new Notice of Allowance/Issue Fee Due be issued.

This petition is accompanied by a Petition under 37 CFR 1.183 and a Terminal Disclaimer pursuant thereto.

Date:

April 14, 2004

Respectfully submitted,

Robert M. Wallace

Robert M. Wallace
Attorney for Petitioners
Reg. No.: 29,119
(805) 644-4035

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APR 23 2004
TC 1700



Docket Number	004609	Attorney	Joseph Bach
Country	United States	Law Firm	Law Office of Robert M Walla
Case Type	TERMINAL DISCLAIMER	Client/Division	ETCH
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	Applied Materials, Inc.
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		AMJ#	

EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE

Other No's	SAP/DKI No	Related ID	Title	Text	SAP/CD#	Product	Atty Cmts
Filing Data	Rel Pty Info	Asgn/Archive	Actions	Description	Expenses	Ext Files	Inventors

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Action Notes
NOTICE OF MISSING	12/26/2000			01/26/2001	GA
INVENTOR FILING	02/21/2001			03/06/2001	
OFFICE ACTION	05/07/2002	02/20/2002	08/07/2002	05/07/2002	mw
PCT SEARCH REPORT	06/14/2002	04/04/2002		04/18/2002	mw
OFFICE ACTION	11/07/2002	08/15/2002	02/07/2003	08/28/2002	mw
TERMINAL DISCLAIMER			05/25/2020		09/1
SUPPLEMENTAL IDS				02/05/2002	
Foreign to be Completed		08/09/2001	08/11/2001	08/13/2001	COM
INFORMATION				08/29/2000	
IA'S COMBINED FOR				05/23/2001	WIL
IDS NOT APPLICABLE				06/18/2003	

Created: 08/18/2000 Updated: 07/01/2003 8:56 AM By: GDM

Start	PCMaster v3.03	Re: 4609 USA M	As: ADDRESSES do	Bank Of America On
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Other No's	SAP Dkt No	Related Id	Title	Text	SAP/CC#	Product	Atty Cmts
Filing Data	Rel Pty Info	Asgn/Archive	Actions	Description	Expenses	Ext Files	Inventors
Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Action Notes		
Certified Copies ordered				03/05/2001			
SUPPLEMENTAL				05/14/2002			
Foreign Filing				08/09/2001	CON		
PRELIMINARY				02/13/2001			
CIP APPLICATION				10/30/2002			
SUPPLEMENTAL IDS				06/13/2001			
PRELIMINARY				05/04/2001			
SUPPLEMENTAL				07/15/2002			
FILING RECEIPT				04/16/2001			
PCT SEARCH REPORT				03/14/2002			
*							

Created: 08/18/2000 Updated: 07/01/2003 8:56AM By: GDM

Start PCMaster v3.03
New Memo - Lotus ...
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Bank Of America On...

PCMaster v3.03.02 - Applied Materials - [Patent]							
File Edit Records Utilities Tools Help							
Docket Number	004609	Attorney	Joseph Bach				
Country	United States	Law Firm	Law Office of Robert M Walla				
Case Type	TERMINAL DISCLAIMER	Client\Division	ETCH				
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	Applied Materials, Inc.				
Filing Type	NATIONAL CASE	Previous Owner					
Filing Number		AMJ#					
EXTERNALLY EXCITED TORROIDAL PLASMA SOURCE							
Other No's	SAP Dkt No	Related Id	Title	Text	SAP/CC#	Product	Aty Cmts
Filing Data	Rel Pty Info	Asgn/Archive	Actions	Description	Expenses	Ext Files	Inventors
Status	APPLICATION IS FILED		First Filing Date	08/11/2000			
Sub Status			Sub Status Date				
Parent Country	United States		Parent Filing Date	08/11/2000			
Parent Number	09/638,075		Parent Grant Date				
Total Claims	37		Ind. Claims\Designs	1			
Application Number	09/638,075		Application Date	08/11/2000			
Patent Number			Grant Date				
Publication Number			Publication Date				
Assigned	ASSIGNMENT RECORDED		Expiration Date				
Convention Type	FIRST FILED CASE		Tax Base Date				
Government Contract			Next Tax Date				
Created: 08/18/2000		Updated: 07/01/2003 8:56 AM		By: GDM			

Susana Antunes, Patent Administrator
Applied Materials, Inc.
Intellectual Property Department, Global Law Department
Mail Stop 2061-Legal
Direct: 408-986-3923 Fax: 408-986-3090
email:susana_antunes@amat.com

Shelly Hart <rwallace@pcmagic.net>

08/14/2003 02:41 PM

To: Joseph Bach/APPLIED MATERIALS@AMAT
cc: Susana Antunes/APPLIED MATERIALS@AMAT
Subject: Re: 4609 USA M URGENT



UNITED STATES PATENT AND TRADEMARK OFFICE

REC'D FEB 11 2004

COPYUNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,075	08/11/2000	Hiroji Hanawa	4609 USA/ETCH/DICP	1010
32548	7590	02/02/2004	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			MCDONALD, RODNEY GLENN	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 02/02/2004

p #21

ABN

Please find below and/or attached an Office communication concerning this application or proceeding.

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FEB 12 2004RECEIVED
APR 23 2004
TC 1700



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

09/638, 675

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APR 23 2004

TC 1700

EXAMINER

ART UNIT

PAPER NUMBER

p #21

NOTICE OF ABANDONMENT

DATE MAILED:

ABANDONMENT
CONTACT PERSON IS
TOM HAWKINS
305-8380

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.